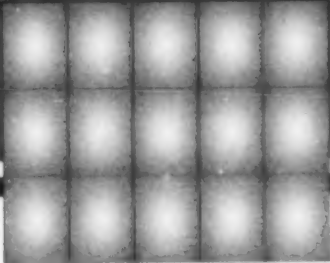


Temporary Olympic Store Appointment

TERMS and CONDITIONS

A GUIDE FOR LIQUOR APPOINTEES IN BRITISH COLUMBIA

September 2008



Ministry of
Housing and
Social Development

This guide . . .

provides essential information for those holding Temporary Olympic Store Appointments.

It does not apply to other types of appointments.

For copies of these other guides, please call, email or click:

Phone (toll free): 1 866 209 2111

E-mail: iclb.iclb@gov.bc.ca

Website:

http://www.hsd.gov.bc.ca/iclb/publications/index_pubs.htm

Temporary Olympic Store Appointment
Terms and Conditions
A GUIDE FOR LIQUOR APPOINTEES
IN BRITISH COLUMBIA

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Introduction

This Guide

This guide outlines the requirements for holding a temporary Olympic store appointment. We work toward voluntary compliance and will assist you in complying with the Act, regulations, and policies. If you have any questions surrounding information in this guide please feel free to contact us.

As an appointee (someone who holds an temporary Olympic store appointment) you must follow these terms and conditions - and any further terms and conditions that might be printed on the face of your Certificate of Appointment or contained in letters issued to you by the general manager of the Liquor Control and Licensing Branch - at all times.

Important!

Please take time to read this guide carefully and make sure your managers and staff are familiar with the information presented here, and with any additional terms and conditions printed on the face of your Certificate of Appointment and/or in letters issued by the Liquor Control and Licensing Branch.

Please note:

Wherever definitions, words or expressions used in this guide differ from the wording of the *Liquor Distribution Act* and the *Liquor Control and Licensing Act* and its Regulations, the legislation will prevail.

It is your responsibility to operate your business so that it complies with the law and with the terms and conditions of your Certificate of Appointment.

Definitions Used in this Guide

"Appointee" refers to any individual, groups of individuals or corporate body holding a British Columbia Temporary Olympic Store Appointment to sell wine.

"The branch" means the Liquor Control and Licensing Branch.

"The general manager" means the general manager of the Liquor Control and Licensing Branch.

"Minor" refers to an individual who is under 19 years of age - 19 is the legal drinking age in British Columbia.

"Temporary Olympic Store" within this guide refers to official Olympic stores that sell approved Olympic/Paralympic merchandise including Vincor Canada's four Jackson-Triggs Esprit wines.

Updates

Appointment terms and conditions change from time to time. The most up-to-date copy of this guide is always available on the provincial government website under "Liquor Licensing" www.gov.bc.ca/hsd

Help is Available

We know how difficult it can be to operate a retail store appointment and understand the challenges you may face in consistently following B.C.'s liquor laws. You should always feel free to discuss potential problems with branch staff or your local liquor inspector.

If you have any concerns or questions, please contact the Liquor Control and Licensing Branch at:

Mailing address

PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office address

2nd Floor, 1019 Wharf St.,
Victoria, BC V8W 2Y9

Email

Ann.Shubrook@gov.bc.ca

Toll-Free Phone

1-866-209-2111

You can also find a range of helpful information, application forms and links on the provincial government website:

<http://www.gov.bc.ca/hsd>

Background: Who is Responsible for What

The Liquor Control and Licensing Branch

The Liquor Control and Licensing Branch is responsible for regulating and monitoring the sale of liquor in British Columbia, and for protecting the public from the harm that may be caused by making and selling liquor or products that contain alcohol.

The branch issues and supervises liquor licences and store appointments and monitors the activities of all liquor licensees and appointees in British Columbia to make sure they are following the rules laid out in the *Liquor Control and Licensing Act* and *Regulations*.

Enforcement Action

Stores will be subject to final inspection by a liquor inspector prior to issuance of a store appointment certificate.

If you do not comply with the *Liquor Control and Licensing Act* and the terms and conditions of your appointment, the general manager of the Liquor Control and Licensing Branch may decide to impose additional terms and conditions, or suspend or cancel your appointment.

If your appointment is suspended or cancelled, you will not be able to sell wine at your retail store.

The Liquor Distribution Branch

The Liquor Distribution Branch, under the authority of the *Liquor Distribution Act*, has the sole right to purchase beverage alcohol, both in and out of British Columbia, in accordance with the Government of Canada's *Importation of Intoxicating Liquors Act*. The Liquor Distribution Branch is responsible for the importation, distribution and retailing of beverage alcohol in British Columbia and operates government liquor stores and distribution centres in the province.

Your Role as an Appointee

As an appointee, you are legally responsible for understanding how the *Liquor Control and Licensing Act* - and the specific terms and conditions of your appointment - affect the operation of your establishment, and for complying with the *Act* and the terms and conditions of your appointment. You are also responsible for making sure your employees follow B.C.'s liquor laws and the terms and conditions of your appointment, even when you are not on-site.

In addition, you must let the branch know about any changes you make to your business or to the buildings you operate. And you must cooperate with liquor inspectors and police, who may wish to inspect your wine sales.

LCLB Olympic Store Appointments are non-renewable and non-transferable.

The Role of the Liquor Inspector

Liquor Control and Licensing Branch liquor inspectors may make unannounced visits to your place of business at any time to:

- explain the terms and conditions of your appointment
- inspect the physical layout of your store
- inspect your legal, financial and business records
- identify gaps or weaknesses that are likely to lead to non-compliance (with the *Act* and the terms and conditions of your appointment), and
- identify any contraventions of the *Act* and the terms and conditions of your appointment occurring in your store.

The Role of Police

Police officers may also make unannounced visits to your store.

When the police walk through your store, they will look for evidence of any liquor contraventions, such as selling liquor to minors. If they find a contravention, they will inform the Liquor Control and Licensing Branch. The branch may ask a liquor inspector to conduct a further inspection. If the inspector confirms the contravention, he or she may recommend enforcement action.

The Role of Local Government and First Nations

A Certificate of Appointment is only one requirement in operating a store appointment in British Columbia. As an appointee, you must also deal with local governments and First Nations band councils on such issues as zoning, building bylaws, business licensing requirements and health and fire regulations.

Managing Your Olympic Store Wine Sales

Posting Your Certificate of Appointment

You must post your Certificate of Appointment in a prominent location in your store to ensure it is immediately available for review by liquor inspectors and police. Your appointment expires no later than March 31, 2010.

Floor Plans

Your floor plan showing where you will shelve your liquor must be available for inspection at all times.

Providing Information to the Branch

You must be honest and accurate in providing information to the Liquor Control and Licensing Branch. If you provide misleading or incorrect information, you risk losing your Certificate of Appointment.

Producing Documents and Records

You must allow the general manager (or a designated person such as a liquor inspector) to inspect documents and records associated with your wine store, including:

- wine sales, purchase and disposal records
- agreements and contracts with Vincor, Jackson-Triggs, and its agents
- employee records

- records of liquor-related incidents or events that occurred on or near your store, and
- any court orders or judgments against you.

Changes to Your Appointment

As a holder of a Certificate of Appointment, you must apply to the Liquor Control and Licensing Branch for approval *before* you make any changes to your Olympic Appointment, such as moving your store to a new location.

Changes that Require Approval from the General Manager

Permanent Change

You must apply to the LCLB for a permanent change if you want to:

- change the name of your business and/or
- change your resident manager or third party operator

Transfer of Location

You must apply for a transfer of location if you want to:

- re-locate your business.

Operating Your Olympic Store Appointment

What You May Sell

Liquor sales are restricted to Jackson-Triggs' four Esprit wines only.

Who You May Sell Your Wine To

You may sell your wine to the general public aged 19 and over. You may not sell to other appointees or liquor licensees under any circumstances.

Samples

You may not provide samples to the public.

Hours of sale

You may sell wine at your Olympic store between the hours of 9:00 a.m. and 11:00 p.m.

You are responsible for setting your own prices, and you may adjust your wine prices at any time throughout the day, however, as a social responsibility measure, liquor can not be sold below cost.

Appointment through a transfer, you must conduct a thorough audit of all liquor on the premises to ensure none is illicit.

Liquor seizures and sampling:

Both liquor inspectors and the police have the authority to seize liquor they believe might be illicit (liquor purchased or otherwise obtained from a source other than your designated source).

Liquor inspectors may also take reasonable samples of liquor to determine whether the liquor is illegal, unauthorized, adulterated or contaminated.

What You May Advertise

You may not advertise the availability of wine. Any signage placed outside your store or within your store that is clearly visible to persons outside the store must not refer to the availability of wine.

Maintaining a Liquor Register

You must keep a detailed record of your purchases and sales of the four Esprit wines, by date, in a liquor register.

Your liquor register must be available for inspection by a liquor inspector or police at any time. The inspector or police officer may look at your register and compare it to your wine stock to make sure you have purchased your wine properly.

Making Deliveries to the Public

Stores may deliver liquor to customers under the following terms and conditions:

- Deliveries must be made by and to people legally able to consume liquor, and only to a place where liquor may be legally possessed or consumed.
- Liquor can only be sold and delivered to individuals 19 years of age or older. When proof of age is required, customers must show two pieces of identification at the time of delivery. One of those pieces must be a government issued identification card such as a driver's licence with photo, name and birth date. The other piece must contain the person's name along

with a signature or picture;

- You may not deliver to an intoxicated person or someone under the influence of drugs.
- The products that you deliver must be limited to the four approved Jackson-Triggs Esprit wines that you regularly stock and have available for purchase by walk in customers.
- Your charge for the liquor must be your regular retail price of the liquor plus a separate delivery charge if any. You must inform customers of both charges when they place an order.
- You must keep your delivery transaction records. These must include the date, time and address of each delivery, the products purchased, the prices charged, delivery fees and total amount paid.
- Your wine must be delivered from your store location only.
- You are responsible for making sure that anyone delivering for you follows these rules.

Offsite Storage

You must not store your liquor product at an off-site location outside your store, such as a warehouse.

Providing a Safe and Responsible Service

Controlling Your Wine Sales

You and your employees are responsible for ensuring that your customers, your staff and members of the community at large are not harmed as a result of liquor sales in your store.

Successful completion of the Serving It Right (SIR) program is mandatory for store appointment holders, resident managers, third party operators and all staff selling liquor in your Olympic store. Staff who are minors are not permitted to handle liquor or conduct sales of liquor.

Maintaining Proper Care and Control of Liquor

Appointees are responsible to ensure proper care and control of liquor at all times. This is particularly important since unaccompanied minors are permitted in Olympic stores. Appointees must be prepared to explain to the Liquor Inspector or Police what measures they have in place to ensure proper care and control, including measures to prevent access to

Physical signs of intoxication:

- red or bloodshot eyes
- dishevelled appearance
- odour of liquor
- unsteadiness on feet
- staggering
- exaggerated care in walking
- slurred speech, and/or
- fumbling with small objects such as money.

Mental signs of intoxication:

- lack of alertness
- exaggerated emotions
- aggression, and/or
- irrationality

liquor by minors and shoplifting by minors or by intoxicated persons. Adequate measures to ensure proper care and control may differ from store to store, but could include such things as displaying liquor in an area that is always staffed (ex: within sight of staff at the cash) and ensuring that staff understand the need to monitor liquor to prevent theft.

Minors

Unaccompanied minors, under the age of 19, are allowed in your Olympic store. It is against the law to sell, serve, or supply liquor to a minor.

ID Requirements

Stores must display LCLB signage indicating that two pieces of identification are required for age verification in order to purchase liquor.

When you verify a customer's age, you or your employees must ask for two pieces of identification.

The first piece of identification must:

- be issued by a government agency (e.g., a passport or driver's licence), and
- include the person's name, signature, birth date and picture.

The second piece must:

- include an imprint of the holder's name (e.g., a credit card or Care Card), and
- include the person's signature and/or picture.

If the person cannot produce two pieces of

acceptable identification that proves he or she is 19 or older, you must refuse them service.

You must also cooperate with a liquor inspector if the inspector asks you or your staff to determine whether a person is a minor.

You are encouraged (but not required) to retain identification that is clearly false and to turn it over to your liquor inspector or police. Where possible, the inspector will return the identification to the agency that issued it. (If the patron insists you return the ID, you should do so, but we encourage you to take a photocopy of it first to give to your liquor inspector.)

To verify identification,
ask the person for:

- A sample signature to compare to the signature on the photo identification.
- His or her zodiac sign-people with false identification often will be unable to answer quickly.
- His or her middle name and how to spell it.
- Information that is on the identification, such as the person's address or postal code.



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